S.B. Criminal Misc. Bail Application No.3854/2006
S.B. Criminal Misc. Bail Application No.3859/2006

Date : 07.09.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. D.K. Gaur for applicants.
Mr. Vishnu Kachhawaha, Public Prosecutor.
Mr. M.K. Garg for complainant.

Both these matters under Section 438 Cr.P.C. have been filed against same FIR No.63/2006, Police Station Sri Balaji, District Nagaur. Since, both the applications, arise out of same FIR, they are being disposed of by this common order.

I have heard learned counsel for the applicants as well as learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that infact from both sides injuries were inflicted. He submits

that applicants Shera Ram, Hera Ram, Tiku Ram, Mana Singh and Shivali have sustained injuries though simple in nature. He further submits that grievous injury caused to the injured is attributed to one Mohan Ram and his bail application has not been filed for consideration. He also submits that Hera Ram has already been arrested thus his bail application has become infructuous. According to learned counsel, FIR No.62/2006 was lodged by the accused side prior in time than FIR No.63/2006 lodged by the complainant side, therefore, in above circumstances, the applicants should be given benefit of anticipatory bail.

On the other hand, learned Public Prosecutor and learned counsel for the complainant have opposed the bail application.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicants on bail except Hera Ram who has already been arrested. Accordingly, it is directed that

in the event of arrest of applicants (1) Shera Ram son of Tiku Ram (2) Mana Ram son of Tiku Ram (3) Shivali wife of Shera Ram and (4) Tiku Ram son of Phusa Ram by I.O./S.H.O. in FIR No.63/2006 P.S. Sri Balaji, District Nagaur, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The bail application of Hera Ram stands dismissed as having become infructuous.

(SATYA PRAKASH PATHAK), J.

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